

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3778 OF 2005

Kabir Mulchandani & Anr ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. A.M. Sarogi, Advocate for Applicants.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 9TH SEPTEMBER, 2005

P. C. :-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.
2. The applicants have prayed for quashing of process issued against them in Criminal Case No. SC/360 of 2005 which is pending in the Court of learned Judicial Magistrate, First Class at Panvel, Dist. Thane. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act.
3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. The learned advocate for the applicants further states that non bailable warrants have been issued against the applicants. He has submitted that normally he would approach the trial Court i.e. J.M.F.C. at Panvel for setting aside the non bailable warrants, however, on account of floods, all records have been damaged in the Court of learned

J.M.F.C. at Panvel and due to which it is not possible for the trial court to function, hence, he has prayed that the non bailable warrants may be stayed for a suitable period of time to enable him to take appropriate steps. In view of the peculiar facts and circumstances of this case, non bailable warrants are stayed till the revision application filed by the applicants before the learned Sessions Judge, is disposed of.

7. Application is disposed of.
